

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

FEDERAL DEPOSIT INSURANCE	)	
CORPORATION, as Receiver of	)	
Tennessee Commerce Bank,	)	
	)	
Plaintiff	)	
	)	No. 3:13-0519
v.	)	Judge Nixon/Brown
	)	<b>Jury Demand</b>
JAMES D. ASHMORE,	)	
	)	
Defendant	)	

**O R D E R**

The Defendant in this case has filed a motion to compel (Docket Entry 14). The initial case management order in this case (Docket Entry 9) provided that the parties would schedule a telephone conference with the Magistrate Judge before filing discovery related motions. While this motion to compel involves a nonparty, it also involves the FDIC, which is a party. The parties and counsel for Fiserv, Inc. will confer and schedule a telephone conference with me about this matter.

The scheduling order set a deadline for completing discovery (Docket Entry 9, par. 7(b)) and it appears, as an initial read, that this motion to compel may have been filed too late. The issue first arose in September 2013.

While certainly a reasonable amount of time to resolve the matter is appropriate, nine months seems excessive.

It is so **ORDERED**.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge